

Region IX related in part to the TMDL program that is deemed by the Committee to be too "stringent" for the business community. The Committee's intervention on behalf of polluters and the States to prevent a strong TMDL program by discouraging regional offices from adopting guidance to implement the law is an anti-environmental attack on the Clean Water Act. The Region IX guidance at issue is a clarification of long-standing Clean Water Act legal requirements.

The provision of the proposed TMDL rule which has generated the most controversy is the silviculture provision. In response to industry and congressional concerns, the U.S. EPA last week announced that the TMDL rule that is expected to be finalized this summer will not include this provision.

We believe the TMDL program of the Clean Water Act offers the best opportunity to clean up our nation's polluted waters comprehensively and equitably. We urge you to uphold the interests of the Clean Water Act and the value of the TMDL program by opposing this rider.

Sincerely,

Elizabeth McEvoy, Center for Marine Conservation.

Ted Morton, American Oceans Campaign.  
Daniel Rosenberg, Natural Resources Defense Council.

Paul Schwartz, Clean Water Action.  
Steve Moyer, Trout Unlimited.  
Rick Parrish, Southern Environmental Law Center.

Ann Mills, American Rivers.  
Jackie Savitz, Coast Alliance.  
Norma Grier, NW Coalition for Alts to Pesticides.

Jim Rogers, Friends of Elk River.  
Jennifer Schemm, Grand Ronde Resource Council.

Steve Huddleston, Central Oregon Forest Issues Committee.

Mick Garvin, Many Rivers Group, Sierra Club.

James Johnston, Cascadia Wildlands Project.

Asante Riverwind, Blue Mountains Biodiversity Project.

Mettie Whipple, Eel River Watershed Association, Ltd.

Bill Marlett, Oregon Natural Desert Association.

Elizabeth E. Stokey, Organization for the Assabet River.

Pepper Trail, Rogue Valley Audubon Society.

Ed Himlan, Massachusetts Watershed Coalition.

James S. Lyon, National Wildlife Federation.

Nina Bell, Northwest Environmental Advocates.

David Anderson, Chesapeake Bay Foundation.

Barry Carter, Blue Mountain Native Forest Alliance.

Daniel Hall, American Lands.

Bruce Wishart, People for Puget Sound.

Ric Bailey, Hells Canyon Preservation Council.

Mary Scurlock, Pacific Rivers Council.

Francis Eatherington, Umpqua Watersheds, Inc.

Hillary Abraham, Oregon Environmental Council.

Karen Beesley, Nurse Practitioner.

John Kart, Audubon Society of Portland.

Mr. Benson, Association of Northwest Steelheaders.

Maria Van Dusen, Massachusetts Riverways Program.

Glen Spain, Pacific Coast Federation of Fishermen's Associations.

Pine duBois, Jones River Watershed Association.

Michael Toomey, Friends of Douglas State Forest.

Ellen Mass, Friends of Alewife Reservation.

#### ASSOCIATION OF

METROPOLITAN SEWERAGE AGENCIES,

Washington, DC, June 16, 2000.

Re municipalities support EPA's revised TMDL program.

Hon. ROBERT A. BORSKI,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE BORSKI: In August 1999, EPA released proposed regulatory revisions to clarify and redefine the current regulatory requirements for establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act (CWA) §303(d). Recognizing that the proposed rule has undergone some significant changes in the past year, the Association of Metropolitan Sewerage Agencies (AMSA) supports EPA's efforts to revise the existing TMDL program, as well as its schedule for finalizing the revisions by June 30, 2000.

AMSA anticipates that the final rule will be a major improvement over the existing TMDL program, which has traditionally focused solely on controlling point sources, i.e., municipalities and industry, rather than developing comprehensive solutions to the nation's water quality problems. During the past 30 years, point sources of water pollution—wastewater treatment plants, industry, and others—have met the challenges of the Clean Water Act to achieve our national clean water goals. The investment in wastewater treatment has revived America's rivers and streams, and the nation has experienced a dramatic resurgence in water quality. However, according to the U.S. Environmental Protection Agency (EPA) 40 percent of our waters remain polluted—largely by nonpoint source pollution. The situation will not improve until we include all sources in the cleanup equation.

EPA's revised rule is expected to encourage the development of implementation plans for TMDLs that provide a "reasonable assurance" that all sources of pollution, point and nonpoint, will be addressed as part of a cleanup plan. Development of implementation plans will ensure that the regulated community and the public have an opportunity to review and understand how the regulatory agencies will respond to local water quality problems. Implementation plans will also help to ensure that municipalities, which hold many of the nation's existing discharge permits, are not forced to remove increasingly minimal amounts of pollutants from their discharge at significant expense, while the major pollution contributions from uncontrolled sources remain unaddressed. Implementation plans, while requiring extra time and resources to develop, will encourage holistic solutions that will meet water quality goals, and will likely save billions of dollars nationwide by ensuring proper expenditure of limited local resources.

In addition to ensuring more involvement from all sources of pollution, EPA's revised rule is also expected to improve the existing TMDL program in several other areas including:

Improved ability for the regulated community and the public to review decisions by state and federal regulatory agencies to include or exclude waters on TMDL lists—Currently, this lack of protocol has led to the listing of many impaired waters based upon outdated or very limited data, with very little ability for public input or review. Requirements to develop and follow these protocols will help to ensure that TMDLs are properly developed using technically-based, scientific approaches, which are supported by data of adequate quality and quantity.

Allowing new or expanded discharges on impaired waters—Current regulations at 40 CFR Part 122.4 effectively prohibit new discharges to impaired waters during TMDL development. EPA's revised proposal should provide more flexibility for new dischargers, or the expansion of existing discharges during the 8 to 15-year TMDL development process by allowing new or increased discharges where adjustments in source controls will result in reasonable progress toward environmental improvements. Given that 40,000 waters are currently on EPA's impaired water list, this flexibility is critical if we are to allow for the continued economic viability and growth of our nation.

Providing more realistic deadlines—The existing TMDL program is currently being driven by the courts, with extremely ambitious schedules and deadlines for developing and implementing TMDLs. These deadlines will likely result in poorly developed TMDLs based on little or inadequate data, or grossly simplified TMDLs that fail to address costly implementation issues. EPA's revised rules are expected to allow up to 15 years to develop TMDLs, which will provide a more realistic timeframe to develop and analyze the necessary data needed to properly develop adequate TMDLs.

While AMSA still has some concerns with EPA's revised rule, we do believe that the program revisions will provide greater clarity concerning the roles and responsibilities of all stakeholders in the TMDL process, and would make significant improvements in our efforts to improve the nation's water quality. We therefore urge you to oppose any legislative efforts that may interfere with EPA's ability to issue and implement its comprehensive TMDL program revisions.

If AMSA's staff or member POTWs in your home state can assist you in any way, please call me at (202) 833-4653. Thank you for your consideration of our request.

Sincerely,

KEN KIRK,  
Executive Director.

IN HONOR OF EMILY LIPOVAN  
HOLAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Emily Lipovan Holan, a distinguished Ohio entrepreneur and former recipient of the Northern Ohio Live 1999 Award of Achievement for Neighborhood Revitalization.

Emily Holan holds a 1990 bachelor of arts degree in real estate development, city planning and architectural design from Levin College. As the executive director of Tremont West Development Corporation, she has overseen four multi-million dollar real estate developments and has spearheaded marketing and publicity efforts for Tremont. Her other achievements included being listed in Crain's Cleveland Business 40 Under 40.

Emily Holan is being honored with the Alumni Special Achievement Award for her dedication and collaborative work in the Tremont Ridge Project. This undertaking uses the grid of the original 20-foot-wide housing lots plotted just after the Civil War to maintain the historic pedestrian nature of the neighborhood.

There are now 39 homes completed—bungalows and colonials priced between \$130,000 and \$150,000 and featuring elegant 10-foot

ceilings, loft balconies, hardwood floors, fireplaces, two-story living rooms, above-ground English-style basements, and rooftop decks. When completed, Tremont Ridge will total 60 units, including townhouses and scattered sites. Emily Holan's commitment not only beautifies the city, but also allows neighborhoods to benefit from the project, with homeowners able to apply for interest-free loans to rehabilitate their own homes.

My fellow colleagues, please join me in honoring Emily Lipovan Holan for her service to the community in maintaining a beautiful historical site.

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

**HON. JUANITA MILLENDER-MCDONALD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today in support of the amendment being offered by Representatives SLAUGHTER, HORN, and JOHNSON. I commend them on their continued commitment to arts funding and I urge my colleagues to vote to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services.

After suffering major budgetary cuts in 1995, these three vital organizations have been forced to endure level funding for the last 5 years. It is time, in this period of budget surpluses, to devote more resources to arts and culture.

Art education plays an important role in the development of our youth. Brain research is showing that the stimuli provided by the arts—pictures, song, movement, play acting, are essential for the young child to develop to their fullest potential. These activities are the “languages” of the child, the multiple ways in which he or she understands and interprets the world. Active use of these forms also paves the way for the child to use verbal language, to read and to write—critical skills our children need to become productive members of society.

Arts education improves life skills including self-esteem, teamwork, motivation, discipline and problem-solving that help young people compete in a challenging and high-tech workforce. According to the College Board, students who study the arts for four years score

an average of 89 points higher than non-arts students on the Scholastic Assessment Test (SAT).

Research conducted between 1987 and 1998 reveals that when young people work in the arts for at least three hours three days each week throughout the year, they show heightened academic standing, a strong capacity for self-assessment, and a secure sense of their own ability to plan and work for a positive future for themselves and their communities.

The results of art education do not just build self confidence but deter crime as well. The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention found in its YouthARTS study that arts programs designed to deter delinquent behavior of at-risk youth dramatically improved troubled youths' academic performance, reduced school truancy, and increased their skills of communication, conflict resolution, completion of challenging tasks, and teamwork.

The effects that an education enriched with art instruction can have on our youths is invaluable. Whether assisting in the development of our children or acting as preventative measures, increased funding for the NEA, and NEH, and the IMLS is in the best interest of our children and their future. I urge my colleagues to vote in favor of the amendment.

DEPARTMENTS OF COMMERCE,  
JUSTICE, AND STATE, THE JUDICIARY,  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 23, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. KUCINICH. Mr. Chairman, I support Congressman TOM CAMPBELL's amendment to the Commerce-Justice-State Appropriations bill, H.R. 4690, to prohibit funds being used for the use of secret evidence. Moreover, I strongly support the Secret Evidence Repeal Act of 1999 introduced by Representative BONIOR, Representative CAMPBELL, Representative BARR, and Representative CONYERS. Recently, both Representative BONIOR and Representative CAMPBELL, offered testimony at a congressional hearing in the House Judiciary Committee. At that hearing, my colleagues Mr. CAMPBELL and Mr. BONIOR offered convincing testimony to the unconstitutional use of secret evidence. Representative TOM CAMPBELL last year introduced an amendment to the Com-

merce-Justice-State Appropriations Bill to stop the funding for the use of secret evidence by the Immigration Naturalization Service. I supported his effort last year on the House floor and I support his effort now. The use of secret evidence is wrong.

In 1996 an amendment was added to the Antiterrorism and Effective Death Penalty Act, authorizing the INS to use secret evidence in barring or deporting immigrants as well as denying benefits such as asylum. However, this law restricts two rights Americans hold very dear: (1) the right to due process and (2) the right to free speech. This country has always and must continue to value the right to a fair trial and the freedom to hold and practice personal beliefs.

However, allowing the use of secret evidence undermines the rights and liberty of both citizens and legal aliens alike because it lessens the constraints of both Constitutional considerations and conscience on INS cases. The case of the Iraqi six clearly illustrates the flawed use of secret evidence.

Six Iraqi individuals were among the many Iraqi Arabs and Kurds who were part of a CIA-backed plot to overthrow Saddam Hussein. While attempting to gain political asylum in the United States after their work in Iraq with 1,200 other Iraqis, these six individuals were singled out and detained by the United States Immigration and Naturalization Service on the claim that they were a risk to national security. These six individuals, who had worked with the U.S. in opposition to Saddam Hussein, were now seen as a threat to our national security based on secret evidence. Evidence that no one was allowed to see. Not the 6 Iraqis. And not their attorneys. Evidence that could be used to deny them asylum and deport them back to Iraq where they would surely meet their death.

After much pressure, 500 pages of this so-called secret evidence was released. Closer examination revealed the evidence was tarnished due to its faulty translations, misinformation and use of ethnic and religious stereotyping. There have been about 50 cases where secret evidence was used to detain and deport individuals. This is un-American. The cornerstone of our judicial system is that evidence cannot be used against someone unless he or she has the chance to confront it. The INS is relying more and more on the use of secret evidence. If we continue to use secret evidence against non-citizens, it will soon be used against American citizens too. There will be no limit to its use.

As a member of Congress it is my duty to uphold the Constitution. As members of Congress, we must all continue to maintain and defend the civil rights of all citizens living in the United States under the U.S. Constitution. We can do this by voting in favor of this amendment. I urge my colleagues to vote “yes” on the Campbell amendment.